



Promoting the wise use of land  
Helping build great communities

**8-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**Tentative Notice of Action**

<b>MEETING DATE</b> March 4, 2005 <b>EFFECTIVE DATE</b> March 18, 2005	<b>CONTACT/PHONE</b> Stephanie Fuhs (805) 781-5721	<b>APPLICANT</b> Carol Powers	<b>FILE NO.</b> DRC2004-000145				
<b>SUBJECT</b> Hearing to consider a request by Carol Powers for a Minor Use Permit to allow a 12-unit apartment complex in two buildings, previously approved under expired Minor Use Permit D910313P. The project will result in the disturbance of the remaining undeveloped portion of the 1.25 acre parcel. The proposed project is within the Residential Multi-Family land use category and is located at 562 Division Street, in the community of Nipomo. The site is in the South County (Inland) planning area.							
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2004-00145 based on the findings listed in Exhibit A and the conditions listed in Exhibit B							
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.							
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 092,142,018	<b>SUPERVISOR DISTRICT(S)</b> 4				
<b>PLANNING AREA STANDARDS:</b> 22.112.080(A)(1)(2)(4) - Nipomo Urban Area Standards, 22.112.080(G)(1)(3)(6) - Residential Multi-Family Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>							
<b>LAND USE ORDINANCE STANDARDS:</b> 22.10.060 - Exterior Lighting, 22.10.080 - Fencing and Screening, 22.10.090 - Height Limits, 22.10.140 - Setbacks, 22.10.150 - Solid Waste Collection and Disposal, 22.18.050 - Parking <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>							
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on March 18, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.							
<b>EXISTING USES:</b> 12 existing multi-family units							
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <table style="width: 100%;"><tr><td style="width: 50%;"><i>North:</i> Residential Multi-Family/Residences</td><td style="width: 50%;"><i>East:</i> Residential Multi-Family/Residences</td></tr><tr><td><i>South:</i> Residential Single Family/Residences</td><td><i>West:</i> Residential Single Family/Residences</td></tr></table>				<i>North:</i> Residential Multi-Family/Residences	<i>East:</i> Residential Multi-Family/Residences	<i>South:</i> Residential Single Family/Residences	<i>West:</i> Residential Single Family/Residences
<i>North:</i> Residential Multi-Family/Residences	<i>East:</i> Residential Multi-Family/Residences						
<i>South:</i> Residential Single Family/Residences	<i>West:</i> Residential Single Family/Residences						
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>							

8-2

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council , Public Works, CDF, Nipomo Community Services District, Cal Trans	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: January 31, 2005

## DISCUSSION

### PROJECT HISTORY

Minor Use Permit D910313P was approved on November 6, 1992, for 20 two-bedroom apartment units. When the Minor Use Permit was approved, there were four existing apartment units on the project site. Eight additional units were built under Minor Use Permit D910313P prior to expiration. With the approval of the current Minor Use Permit, the total number of units will be 24. The Negative Declaration that was prepared for the project provided mitigation measures for Air Quality and Traffic/Circulation through the payment of the South County Air Quality Mitigation fee and South County Circulation fees. These fees are still in effect and will be required for this project prior to issuance of construction permits. These fees will reduce impacts to insignificant levels.

### PLANNING AREA STANDARDS:

**22.112.080(A)(1)(2)(4) - Nipomo Urban Area Standards:** The project is within the Nipomo Urban Services Line and will be required to connect to the Nipomo Community Services District (NCSD) system. As conditioned, the project will be required to provide a final will-serve letter from the NCSD prior to issuance of construction permits. On all streets outside the central business district, an 8-foot parkway for landscaping improvements is required for all new development. Since this project has existing curb, gutter and sidewalk, no additional improvements will be required with the exception of additional street tree planting along the street frontage at a ratio of one street tree per 50 feet of frontage. The project also lies within a lowland area which requires submittal of a drainage plan prior to issuance of construction permits. As conditioned, the project complies with this standard.

**22.112.080(G)(1)(3)(6) - Residential Multi-Family Standards:** The project is within an area where the density for multi-family is 20 units per acre. As proposed, the project meets this standard. The following table summarizes compliance with these standards as well as Land Use Ordinance standards (see discussion below):

Standard	Allowable/Required	Proposed	Complies w/Standard?
<b>Density (20 units per acre)</b>	1.25 acres x 20 units per acre = 25 units	12 new units, 12 existing units (24 total)	Yes
<b>Maximum Floor Area (48%)</b>	26,136 square feet	19,454 square feet (36%)	Yes
<b>Minimum Open Area (45%)</b>	24,502 square feet	28,244 square feet (52%)	Yes

8-3

Standard	Allowable/Required	Proposed	Complies w/Standard?
Setbacks	25 foot front, 10 foot rear, 5 foot sides	50 feet front, 10 feet rear, 10 foot left side, 12.5 foot right side	Yes
Parking	36 spaces	37 spaces	Yes

**LAND USE ORDINANCE STANDARDS:**

*22.10.060 - Exterior Lighting:* These standards require all lighting to be shielded and face downward to avoid impacting neighboring properties. As conditioned, the project meets this standard.

*22.10.080 - Fencing and Screening:* Side and rear property lines shall have fencing at a minimum of six feet in height. As conditioned, the project will comply with this standard.

*22.10.090 - Height Limits:* The maximum height for residences in the multi-family land use category is 35 feet. As proposed, the project meets this standard.

*22.10.040 - Setbacks:* Standard setbacks for this size lot are 25 feet front, 10 feet rear, and 5 feet on the sides. As proposed (see above) the project meets this standard.

*22.10.150 - Solid Waste Collection and Disposal:* Enclosed areas located within 100 feet of the proposed buildings are required. As proposed and conditioned, the project meets these standards.

*22.18.050 - Parking:* One and a half spaces are required for each new unit as well as guest parking for a total of 36 spaces. As proposed, the project meets the standard.

**COMMUNITY ADVISORY GROUP COMMENTS:** No comments received

**AGENCY REVIEW:**

Public Works – Supports with conditions for sidewalk repair

CDF – No comments received

Nipomo Community Services District – No comments received

Cal Trans – No comments received

**LEGAL LOT STATUS:**

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

8-4

## EXHIBIT A - FINDINGS

### *Environmental Determination*

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted..

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the 12-unit apartment complex does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the 12-unit apartment complex is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Avenida de Socios, a local road constructed to a level able to handle any additional traffic associated with the project.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes
  - a. construction of a 12-unit apartment complex in two buildings
  - b. maximum height is 25 feet from average natural grade.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall provide a fencing plan in accordance with Land Use Ordinance Section 22.10.080.

#### ***Fire Safety***

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

#### ***Services***

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.

### **Conditions to be completed prior to issuance of a construction permit**

#### ***Fees***

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable South County Air Quality Mitigation fees and South County road improvement fees.
9. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan to the Public Works Department for review and approval.

8-6

9. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan to the Public Works Department for review and approval.

**Conditions to be completed prior to occupancy or final building inspection/establishment of the use**

10. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
11. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
12. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
13. **Prior to occupancy of any structure associated with this approval**, the applicant shall make repairs to the curb, gutter and sidewalk in accordance with the Public Works Department requirements.

**On-going conditions of approval (valid for the life of the project)**

14. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

4-7

6



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

JAN 20 2005

VICTOR HOLANDA, AICP  
DIRECTOR

## THIS IS A NEW PROJECT REFERRAL

DATE: 1/19/05  
FROM: PW  
FROM: South Co. Team  
(Please direct response to the above)

POWERS  
DRC 2004-00145  
Project Name and Number

Development Review Section (Phone: 788-2009) \*OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: MUP -> 2 multi-fmly. bldgs / 12 units.  
ref. D910174D. Located off Division St. in Nipomo.  
APN: 092-142-018. 1.25 Acres.

Return this letter with your comments attached no later than: 2/3/05

**PART I** IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
✓ YES (Please go on to Part II)  
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II** ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
✓ NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

**PART III** INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - EXISTING CORB GUTTER & SW, WE WILL EXAMINE TO  
DETERMINE IF THERE IS DAMAGE THAT WILL REQUIRE REPAIR. So County Road Fees  
due with Bldg Permit.

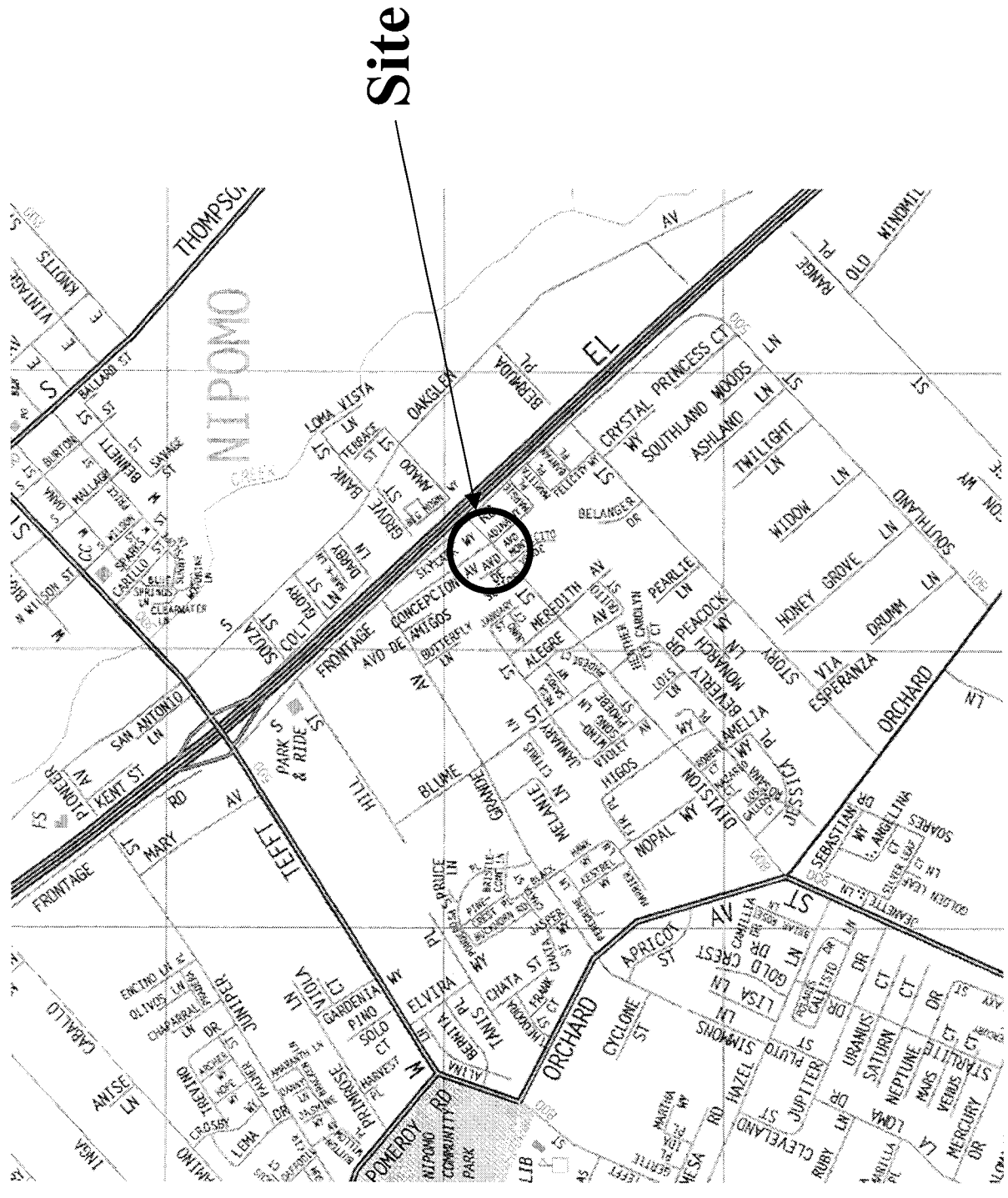
01 Feb 2005  
Date

GOODWIN  
Name

5252  
Phone

8-8

San Luis Obispo Department of Planning & Building



Exhibit

VICINITY MAP

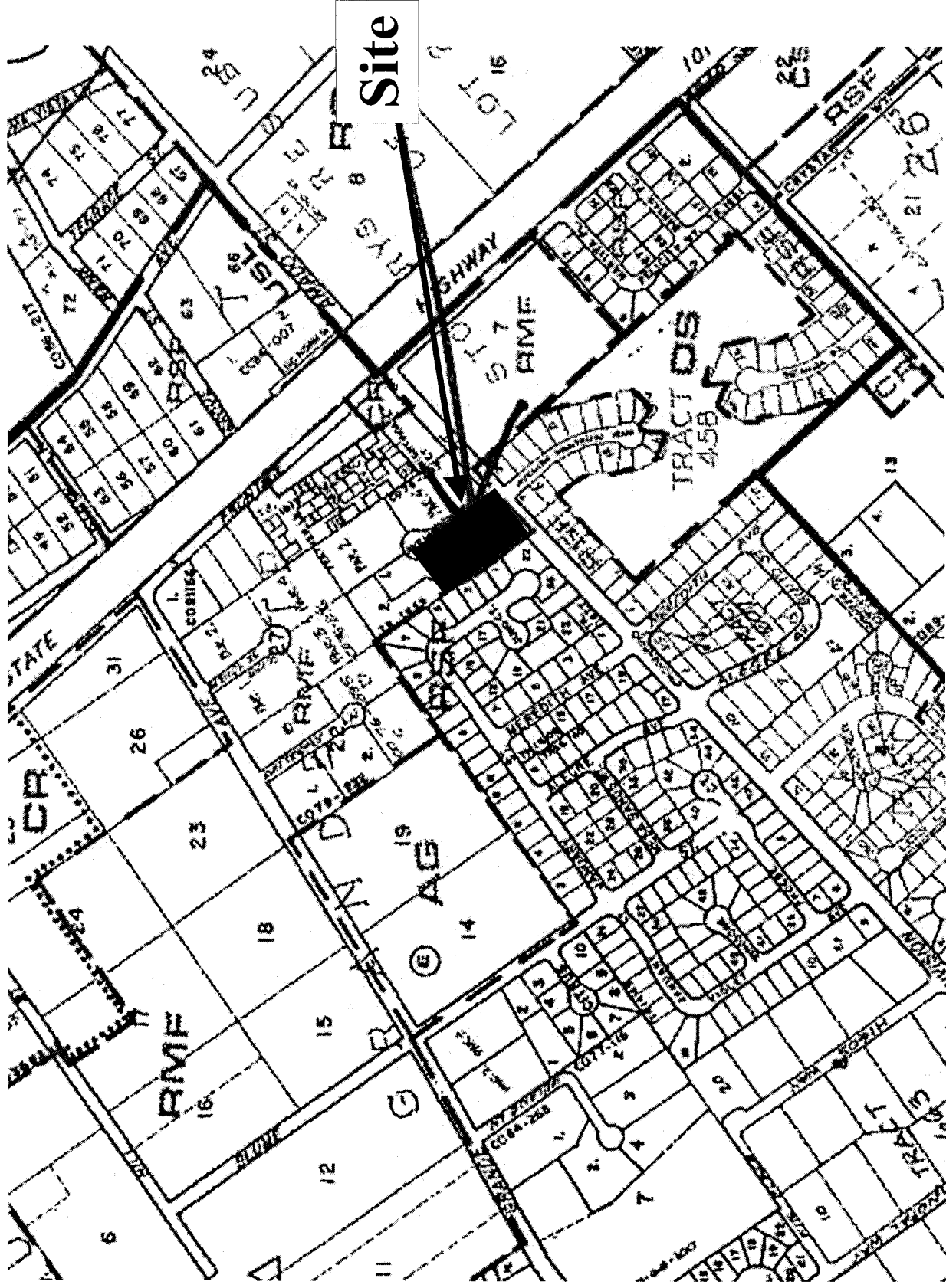


Project  
Powers Minor Use Permit

DRC 2004-00145



8-9



Project

Powers Minor Use Permit

DRC 2004-00145



Exhibit

Land Use Category Map

4-10

Proposed Buildings

Existing Buildings

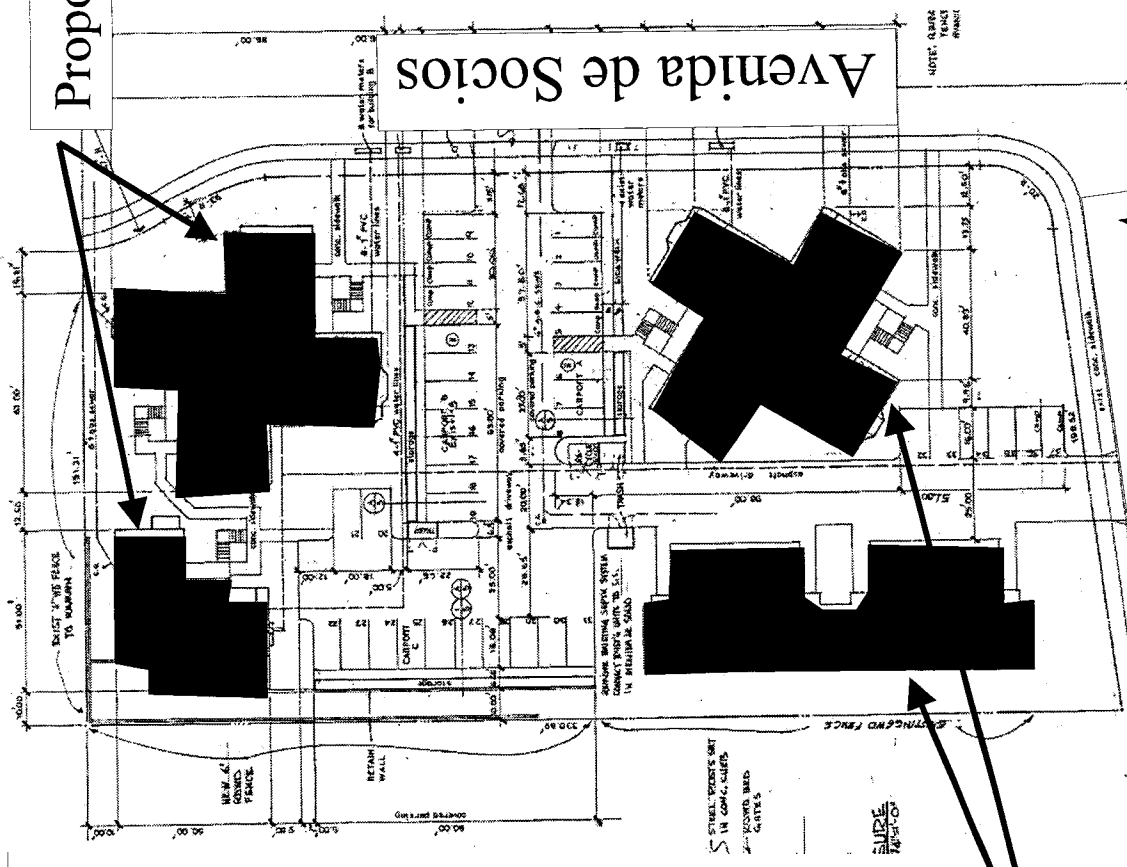
Division Street

Avenida de Socios



Exhibit  
Site Plan

Project  
Powers Minor Use Permit  
DRC 2004-00145



8-11

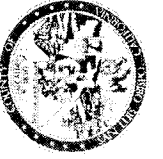
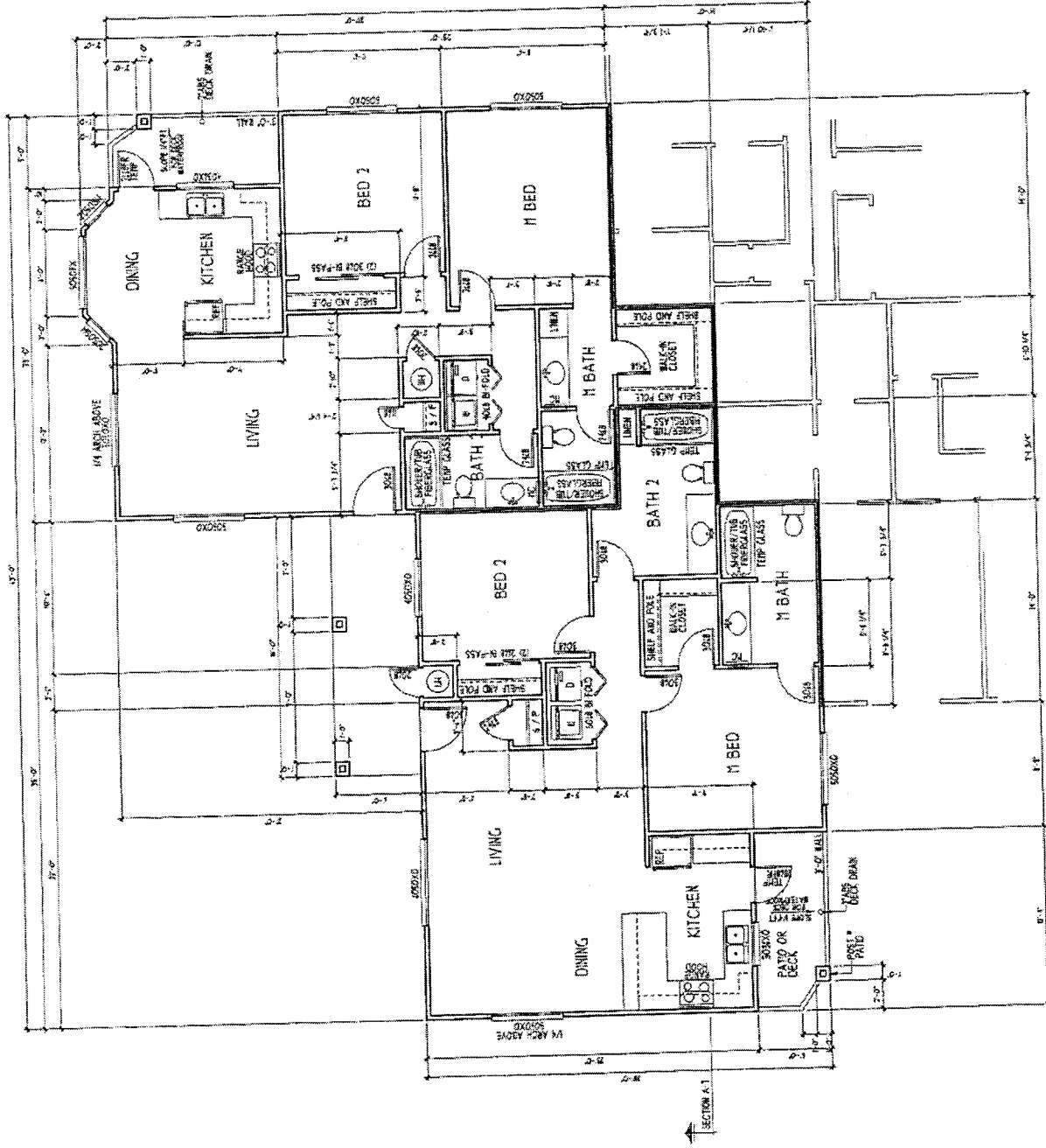
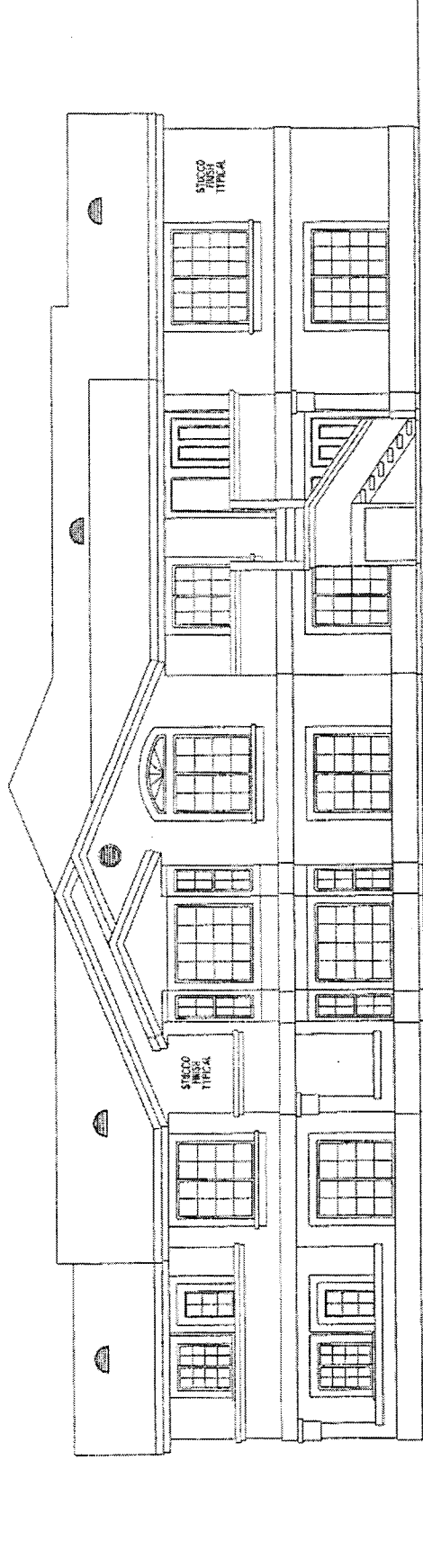
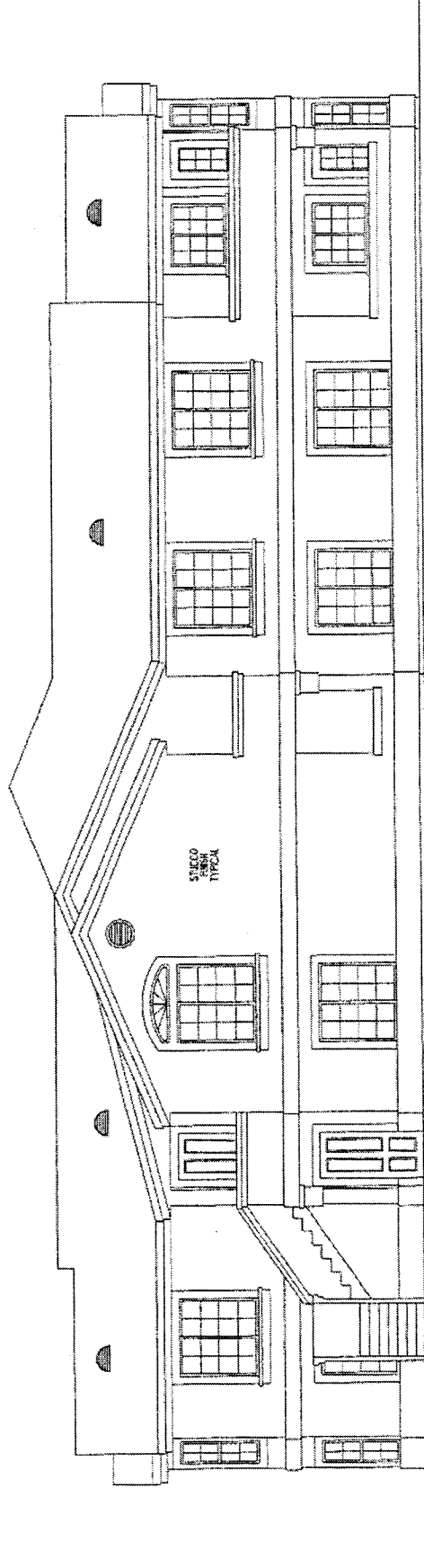


Exhibit  
Floor Plan - Building "B"

Project  
Powers Minor Use Permit  
DRC 2004-00145



BUILDING A SOUTH WEST ELEVATION  
BUILDING B SOUTH ELEVATION



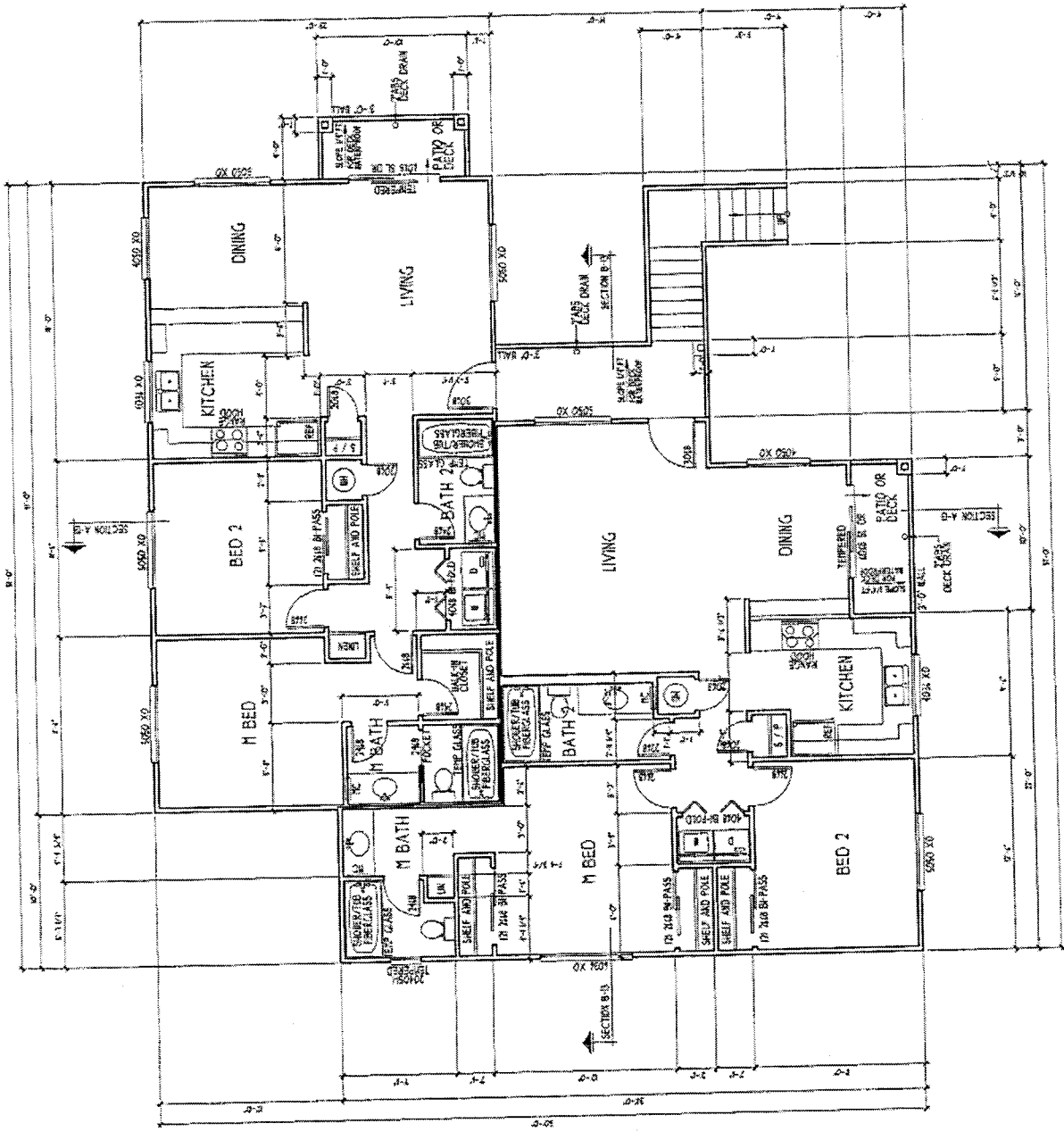
8-12



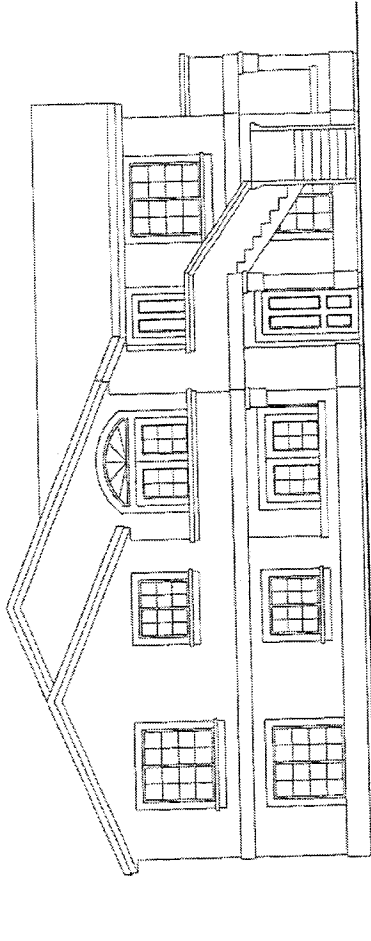
Exhibit  
Elevations - Building "B"

Project  
Powers Minor Use Permit  
DRC 2004-00145

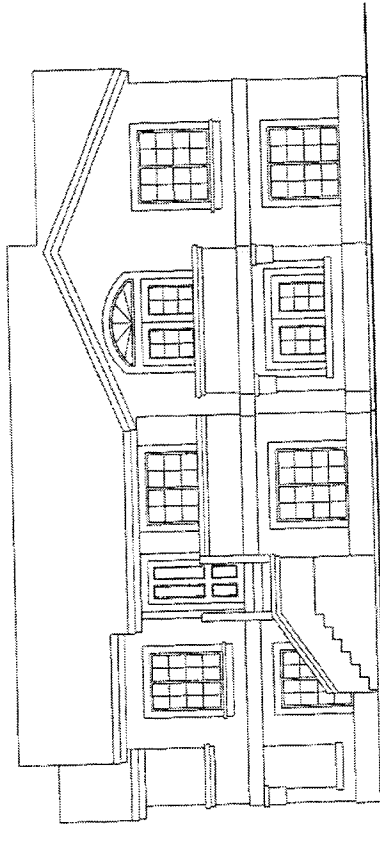
8-13



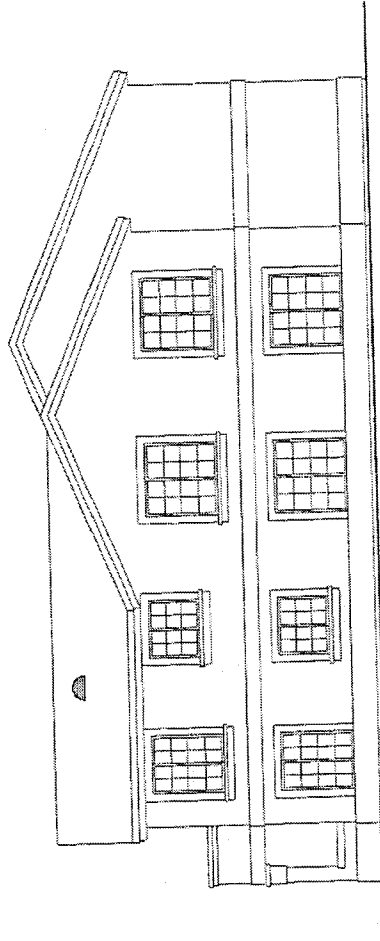
874



BUILDING C SOUTH ELEVATION



BUILDING C EAST ELEVATION



BUILDING C NORTH ELEVATION

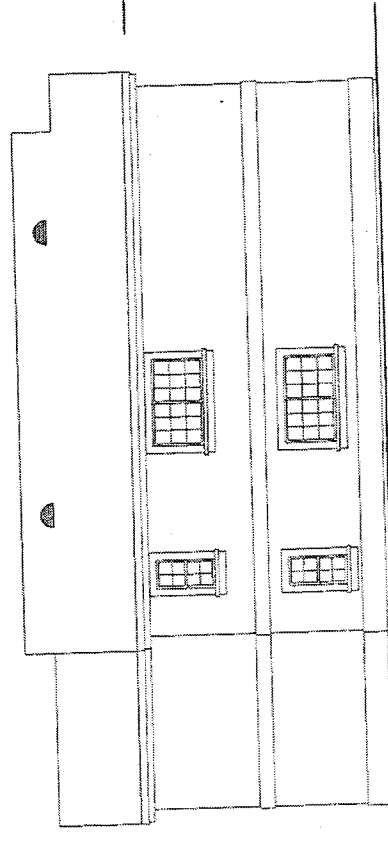


Exhibit  
Elevation - Building "C"

Project  
Powers Minor Use Permit  
DRC 2004-00145